

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATEDDate of filing in State Engineer's Office **MAY 01 1995**

Returned to applicant for correction.

Corrected application filed _____ Map filed **1-13-93 under 58366 (POD);**
5-5-95 (POU existing, proposed)The applicant **Cortez Joint Venture****Star Route, HC 66-50**

of

Beowawe

Street and No. or P.O. Box No.

City or Town

Nevada 89821-9708

State and Zip Code No.

hereby make ^s application for permission to change the

place and manner of use of a portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under **Permit #58366**

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is **underground (Well #BW-1)**
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed **0.0078 c.f.s., not to exceed 5.65 acre-feet per annum**
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for **stock watering (250 cattle)**
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for **Mining, milling, and domestic**
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point **within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T. 27 N., R. 47 E.,**
Describe as being within a 40-acre subdivision of public survey and by course and
MDM, unsurveyed, from which the NE corner of Sec. 31, T. 28 N., R. 47 E., bears
distance to a section corner. If on unsurveyed land, it should be stated.
N. 12°09' E., 6,152 ft. dist.
6. The existing permitted point of diversion is located within **the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 27 N., R. 47 E.,**
If point of diversion is not changed, do not answer.
MDM, unsurveyed, from which the NE corner of Section 31, T. 28 N., R. 47 E., MDM,
bears N. 12°09' E., 6,152 ft. dist.
7. Proposed place of use **S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 6, T. 27 N., R. 47 E., MDM**
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use **Secs. 29, 30, 31, 32, T. 28 N., R. 47 E., MDM, and unsurveyed**
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
Secs. 5, 6, 7, 8, T. 27 N., R. 47 E., MDM.
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from **January 1** to **December 31** of each year.
Month and Day Month and Day
10. Use was permitted from **January 1** to **December 31** of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) **drilled and cased well, with surface seals,**
State manner in which water is to be diverted, i.e. diversion structure,
turbine pump, electric motor, storage tanks and pipeline distribution network;
ditches, pipes and flumes, or drilled well, etc.
a branch line, small diameter, will deliver water to tanks at the proposed place
of use.
12. Estimated cost of works **\$5,000.00**
13. Estimated time required to construct works **one year**

14. Estimated time required to complete the application of water to beneficial use two years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This change application is submitted to accommodate the grazing permittee in the vicinity, through provision of an alternate stock watering location following removal of a supply well used heretofore.

By s/William A. Nisbet
421 Court St.
Elko, NV 89801

Compared sm/jk ag/bk

6/29/95 by: USDI-BLM

Protested Pro. Overruled 9/9/05 See Ruling #5509

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the place of use and manner of use of the waters of an underground source as heretofore granted under Permit 58366 is issued subject to the terms and conditions imposed in said Permit 58366 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month, which shall include the amount of water pumped from the well, and the amount of water used submitted with the monthly reports for mining operations.

The issuance of Permit 61193 reduces the amount available for mining and milling consumptive use to 3801.35 acre-feet annually. This limit includes any evaporative and system losses. Any water produced from the dewatering operations in excess of 3801.35 acre-feet annually shall be returned to the Crescent Valley Groundwater Basin by shallow infiltration.

With the issuance of Permit 61193, the Total Combined Diversion rate of Permits 57133, 57134, 57136, 57137, 57138, 57140, 57143 through 57148, 57800, 58366, 58368, 58370, 59072 through 59075, 59787, 61793, 61794, 62723, Certificate 16016, 67507 through 67515, 71044 and any Temporary Permits issued under the above Permits, shall not exceed 66.99 c.f.s. and the maximum withdrawal of water shall not exceed 48,500.35 acre-feet annually.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0078 cubic feet per second, or sufficient to water 250 head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before:
March 14, 2007

Proof of completion of work shall be filed on or before:
April 14, 2007

Water must be placed to beneficial use on or before:
March 14, 2009

Proof of the application of water to beneficial use shall be filed on or before:
April 14, 2009

Map in support of proof of beneficial use shall be filed on or before:
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 14th day of March, A.D. 2006


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____ N/A

Certificate No. _____ Issued _____